

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

Reports of Agents Gordon and Martin on the boundary line of the Warm Springs Indian Reservation, in Oregon.

FEBRUARY 7, 1888.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1888.

SIR: I have the honor to acknowledge the receipt by this Department, on the 26th day of January last, of a resolution of the Senate adopted upon the 25th day of January, 1888, of which the following is a copy :

Resolved, That the Secretary of the Interior be, and he hereby is, directed to transmit to the Senate a copy of the report made to him by Special Agents Gordon and Martin, of date December 29, 1887, under instructions from the Department of date October 7 and 8, 1887, directing them to investigate the north boundary line of the Warm Springs Indian Reservation, in the State of Oregon, and to report what line heretofore surveyed would nearest conform to the treaty; also that such copy of report be accompanied by a tracing showing the several lines of survey referred to in such report.

In response to the inquiries therein made I transmit herewith copy of a communication of 3d instant from the Commissioner of Indian Affairs, to whom was referred the resolution, with which is inclosed a copy of the report called for, together with the copy of a tracing showing the several lines of survey referred to in said report.

Very respectfully,

WM. F. VILAS,
Secretary.

The PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 3, 1888.

SIR: In compliance with a resolution of the Senate adopted January 25, 1888, received by Department reference for report, I have the honor to transmit herewith a copy of the report made by Special Agents Gordon and Martin, of date December 29, 1887, under instructions from the

Department, of date October 7 and 8, 1887, directing them to investigate the north boundary line of the Warm Springs Indian Reservation, in the State of Oregon, and to report what line heretofore surveyed would nearest conform to the treaty.

I also transmit a tracing showing the several lines of survey referred to in said report.

Very respectfully, your obedient servant,

J. D. C. ATKINS,
Commissioner.

The SECRETARY OF THE INTERIOR.

IN THE FIELD,
The Dalles, Oregon, December 29, 1887.

SIR: Pursuant to instructions from our respective Departments, dated October 7 and 8, 1887, directing us to investigate the north boundary line of the Warm Springs Indian Reservation and to report what line heretofore surveyed "would nearest conform to the treaty," we have the honor to report that after carefully examining all the papers submitted to us touching the subject, including Department letter, the report of the surveyor-general of Oregon dated July 22, 1887, the affidavits of the Indians taken in June last, also the affidavits of certain white citizens taken in June, 1887, the proceedings of a public meeting of white citizens at Tygh Valley, June 25, 1887, and the field notes and maps of the Handley and McQuinn surveys, we proceeded to the field and began a personal inspection of the respective lines run by Handley in 1871 and by McQuinn in June, 1887, being accompanied by such whites and Indians as desired to be present, and whose verbal statements touching their knowledge of the lines and the topography of the country we heard at length, giving careful attention to both sides.

Going to the summit of Mutton Mountain near its eastern termination on the Des Chutes River and at angle No. 2 on Handley's line, retraced by Rumsey in 1882, the initial point of said line in the Des Chutes River was plainly observable. From this point, angle No. 2, we followed Handley's line sufficiently close to observe all his meanderings and clearly determine the location of his line to its western termination. We then traversed McQuinn's line as far as his twenty-fifth mile-post, at which point we encountered snow too deep to make it practicable to proceed further; but our observations from that point enabled us to determine with sufficient accuracy the location of the unexplored portion of his line, he having run a right line from his 7 $\frac{1}{2}$ mile post to the western termination of his line.

After carefully examining the topography of the country traversed by both of said lines and the country adjacent thereto, and after carefully reading the treaty and considering the sworn testimony and verbal statements of both whites and Indians, we are of the opinion that the line surveyed and established by Handley more nearly conforms to the requirements and conditions of the treaty, but that at certain places he is materially at variance with its terms and intentions.

We therefore recommend that the line first begun by McQuinn at a point about 20 chains southeasterly up the Des Chutes River from the initial point of the survey of Handley in 1871 (and afterward abandoned by McQuinn but referred to in his field-notes herewith forwarded and marked Exhibit X) be adopted as far as angle No. 2 on the Handley line where he (McQuinn) intersects it, and at a distance of 1 mile and 45 chains from his (McQuinn's) starting point, and on a bearing south 87° 30' west; that the new line be continued from this point (angle No. 2 before mentioned) in a direct line to angle No. 19 on Handley's line near the summit of the divide on the north side of Eagle Creek and near a juniper tree which has some of its limbs cut—old cuts; thence (from angle No. 19) follow Handley's line along the divide to angle No. 25, and from this angle (No. 25) run in a direct line to angle No. 27 on Handley's line, so as to include in its reservation the premises of one Nena Pot, an Indian belonging to the Warm Springs Indian Reservation.

Our judgment is that a better line, and one that would conform more strictly to the treaty, would be run from angle No. 24 in a direct line to angle No. 27; but this would run through the premises of Nena Pot, leaving the larger part of his farm and his residence outside of the reservation. The line as recommended to be run, from angle No. 25 to No. 27 on the Handley line, would not interfere with the individual rights of any white or Indian, and would place the home and premises of this Indian, Nena Pot, on the reservation. From angle No. 27 on the Handley line, we recommend that his line be followed to angle No. 34; thence northwardly (instead of west) following the summit of the divide, and thence westwardly along the divide until the new line intersects McQuinn's line between the nineteenth and twentieth mile-posts on his line,

thence follow McQuinn's line to his twenty-fourth mile-post; thence run north 85° west to the summit of the Cascade Mountains—at a point from which the summit of Mount Jefferson would bear south $6^{\circ} 30'$ west or nearly so—being the western termination of the north boundary line of the reservation as herein recommended. The line thus recommended is projected in red ink on a tracing of a map of McQuinn's survey, exhibit B, herewith inclosed. The dotted portion of said projected line is only approximately correct, it being intended to follow the divide. McQuinn's line will be seen on said map in black ink, and Handley's line, retraced by Rumsey in 1882, is the irregular outline on the south. In this connection we beg leave to say that the line herein recommended will not interfere with or encroach on the individual lands or rights of any white or Indian.

It, however, includes in the reservation a cabin on the northwest quarter of section 12, township 6 south, range 11 east, built by a white man named Brizzantine, but who, we were informed, has abandoned it and has taken another place.

Should such line be approved by the Department and a survey thereof be ordered to the end that the line be defined and established, we recommend that not only mile-posts be established but that monuments on that part of the line where there is no timber be erected at intervals of every quarter of a mile, in order that both whites and Indians may be enabled to see and trace the line without difficulty or mistake; and that on the portion of the line where there is timber the trees be numerous and plainly blazed and monuments established at intervals of every half mile.

Also, that monuments be established at each angle in the line. We further recommend that when this line is surveyed the west boundary line of the reservation, beginning at the western termination of the north boundary line as aforesaid and running thence in a direct line to the summit of Mount Jefferson, be also surveyed and defined.

We make this recommendation in view of the information received that stockmen have been encroaching on the lands of the reservation from the west, and until this boundary is surveyed and defined they will probably continue to do so, claiming that there is nothing to show where the west boundary line is. The other two boundaries of the reservation, the south and east, are water-courses and are therefore sufficiently defined.

In conclusion we beg leave to say that the season for field-work in this latitude, especially such as requires camping out, as in this case, is very unpropitious, and has necessitated more time than would have been required under favorable or fair conditions.

H. B. MARTIN,
Special Agent General Land Office.
GEO. W. GORDON,
United States Special Indian Agent.

The SECRETARY OF THE INTERIOR.

C